

EXHIBIT “7”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE AND PRISCILLA HOGGE, No. C07-02873 MJJ

Plaintiff,

v.

A. W. CHESTERTON COMPANY,

Defendant.

**ORDER GRANTING PLAINTIFFS'
MOTION FOR AN ORDER
SHORTENING TIME FOR BRIEFING
SCHEDULE AND HEARING OF
MOTION FOR REMAND**

Before the Court is Plaintiffs Everett Hogge and Priscilla Hogge's ("Plaintiffs") Motion for Order Shortening Time For Briefing Schedule and Hearing of Motion to Remand.¹ Also before the Court is Plaintiffs' Request for Intervention of the General Duty Judge.² Upon good cause shown, the Court **GRANTS** Plaintiffs' Motion for an Order Shortening Time for Briefing Schedule and Hearing of Motion to Remand. The Court **DENIES** Plaintiffs' Request for Intervention of the General Duty Judge.

Defendant John Crane Inc.'s ("Defendant") Opposition brief, if any, shall be filed not later than **11:00 a.m. on June 8, 2007**, and shall not exceed **ten pages** in length. Plaintiffs' Reply brief, in any, shall be filed not later than **3:00 p.m. on June 8, 2007**, and shall not exceed **five pages** in length.

¹Docket No. 17.

²Docket No. 18.

United States District Court
For the Northern District of California

1 The Court will deem the matter submitted on the papers and will set the matter for a hearing
2 only if necessary.

3
4 **IT IS SO ORDERED.**

5
6 Dated: June 7, 2007


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

EXHIBIT “8”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE AND PRISCILLA HOGGE,

No. C07-02873 MJJ

Plaintiff,

**ORDER GRANTING PLAINTIFFS'
MOTION TO REMAND**

v.

A W CHESTERTON COMPANY,

Defendant.

Before the Court is Plaintiffs Everett Hogge and Priscilla Hogge ("Plaintiffs") Motion to Remand.¹ Defendant John Crane Inc. ("Defendant") opposes the motion. The Court having considered the parties' arguments and upon good cause shown **GRANTS** Plaintiffs' motion.

Pursuant to 28 U.S.C. § 1441(a), a defendant in a civil action may remove a case from state court to federal district court if the district court has subject matter jurisdiction over the case. The district court has subject matter jurisdiction over a case if there is diversity of citizenship between the parties or if the action is founded on a claim arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1441(b); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389, 1393 (9th Cir. 1988). Section 1441(b) further provides that if the basis for federal jurisdiction is diversity of citizenship, removal is available only if no defendant is a citizen of the forum state. As the party seeking to

¹Docket No. 16.

Case 3:07-cv-02873-MJJ Document 30 Filed 06/08/2007 Page 2 of 2

1 remove the action, the defendant bears the burden of establishing that subject matter jurisdiction
2 exists. *Ethridge*, 861 F.2d at 1393. Because the Court strictly construes the removal statute against
3 removal, if there is any doubt as to the existence of federal jurisdiction, the Court should remand the
4 matter to state court. *See Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

5 Because the record before the Court does not establish that binding settlement agreements
6 have eliminated all non-diverse Defendants from the state court action, complete diversity did not
7 exist as of the time of removal. Accordingly, this Court is without subject matter jurisdiction. For
8 the foregoing reason, the Court **GRANTS** Plaintiffs' Motion to Remand.

9
10 **IT IS SO ORDERED.**

11
12 Dated: June 8, 2007


13 
14 MARTIN J. JENKINS
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

EXHIBIT “9”

Search - 4 Results - "hopeman brothers"

Page 1 of 2

Source: [Public Records > Find a Business > Corporation, Partnership & DBA Registrations by State > VA Business and Corporation Information](#) 

Terms: "hopeman brothers" ([Edit Search](#) | [Suggest Terms for My Search](#))

☒ Select for FOCUS™ or Delivery



VIRGINIA STATE CORPORATION COMMISSION

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY

CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE ISSUING GOVERNMENT AGENCY

VIRGINIA STATE CORPORATION COMMISSION

Company Name: Hopeman Brothers, Inc.

Type: CORPORATION

Status: ACTIVE

Status Date: 2/1/2007

Filing Date: 2/1/2007

Duration: PERPETUAL

Date of Incorporation/Qualification: 2/1/2007

State or Country of Incorporation: VIRGINIA

Registered Agent:

AWH CORPORATION

Status: ACTIVE

Creation Date: 2/1/2007

Registered Office:

435 ESSEX AVE STE 101

WAYNESBORO, VA 22980

Other Name Information:

HOPEMAN BROTHERS MERGER, INC.

Type: FORMER

Additional Information: INDUSTRY: GENERAL

Filing Number: 671729

Stock Information:

Type of Stock: COMMON

Search - 4 Results - "hopeman brothers"

Page 2 of 2

Authorized Quantity: 100

Change in Stock: NO


History:

File Date: 2/5/2007

Type: MERGER-SURVIVOR CORPORATION

File Date: 2/5/2007

Type: NAME CHANGE

Source: [Public Records > Find a Business > Corporation, Partnership & DBA Registrations by State > VA Business and Corporation Information](#) 

Terms: "hopeman brothers" ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Friday, June 8, 2007 - 1:58 PM EDT



LexisNexis®

[About LexisNexis](#) | [Terms & Conditions](#)

[Copyright ©](#) 2007 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.